

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 TAN VAN VO,

9 Petitioner,

10 v.

11 JERI BOE,

12 Respondent.

CASE NO. C19-151-RAJ-BAT

**ORDER GRANTING MOTION TO
FILE AMENDED PETITION AND
SETTING SCHEDULE**

13 The Court **GRANTS** the motion to file an amended habeas petition, Dkt. 15. Petitioner is
14 currently incarcerated at the Clallam Bay Corrections Center and is subject to the Court's
15 Mandatory E-Filing Initiative under General Orders 02-15 and 06-16. The Court, has reviewed
16 petitioner's amended federal habeas petition, and **ORDERS** as follows:

17 (1) Service

18 The Clerk is directed to send to respondent and to the Attorney General of the State of
19 Washington, via e-mail, copies of the amended petition, Dkt. 15, all documents in support
20 thereof, and this Order.

21 (2) Answer

22 By **October 10, 2019**, the Respondent shall file and serve an answer to the amended
23 petition in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States

ORDER GRANTING MOTION TO FILE
AMENDED PETITION AND SETTING
SCHEDULE - 1

1 District Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted
2 available state remedies and whether an evidentiary hearing is necessary. Respondent shall not
3 file a dispositive motion in place of an answer without first showing cause as to why an answer is
4 inadequate.

5 (4) Noting Answer

6 The answer will be treated in accordance with LCR 7. Accordingly, on the face of the
7 answer, Respondent shall note it for consideration on the fourth Friday after filing. Petitioner's
8 response and Respondent's reply shall be filed as set forth in LCR 7(d).

9 (5) Filing by Parties

10 All attorneys admitted to practice before this Court must file documents electronically via
11 the Court's CM/ECF system. All filings must indicate in the upper right hand corner the name of
12 the magistrate judge to whom the document is directed. Any document filed with the Court must
13 be accompanied by proof that it has been served upon all parties that have entered a notice of
14 appearance in the underlying matter. Petitioner shall indicate the date the document is submitted
15 for e-filing as the date of service.

16 The parties are advised that when the total of all pages of a filing exceeds fifty (50) pages
17 in length, a paper copy of the document (with tabs or other organizing aids as necessary) shall be
18 delivered to the Clerk's Office for chambers. The chambers copy must be clearly marked with
19 the words "Courtesy Copy of Electronic Filing for Chambers."

20 (6) Motions

21 Any request for court action shall be set forth in a motion, properly filed and served in
22 accordance with LCR 7. Pursuant to LCR 7(b), any argument being offered in support of a
23 motion shall be submitted as a part of the motion itself and not in a separate document. The

1 motion shall include in its caption (immediately below the title of the motion) a designation of
2 the date the motion is to be noted for consideration on the Court's motion calendar.

3 (7) Direct Communications with District Judge or Magistrate Judge

4 No direct communication is to take place with the District Judge or Magistrate Judge with
5 regard to this case. All relevant information and papers shall be directed to the Clerk.

6 DATED this 9th day of August, 2019.

7
8 

9

BRIAN A. TSUCHIDA
United States Magistrate Judge